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**FOOD and NUTRITION SERVICES CERTIFICATION  
ELIGIBILITY REQUIREMENTS  
Able-Bodied Adults Without Dependents (ABAWDs)**

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**FNS 245 Able-Bodied Adults without Dependents (ABAWDs)**

**Change #5-2016**

**October 1, 2016**

**245.00 What is an Able-bodied Adult without Dependents (ABAWD)?**

An ABAWD is an Able-Bodied Adult between ages 18 and 49 without child/ren in the FNS household. ABAWD eligibility for Food and Nutrition Services (FNS) is limited to any 3 months in a 36-month period (considered the 3-month time limit) unless the individual meets the ABAWD work requirements (defined below) or qualifies for a second 3-month period of eligibility.

ABAWD requirements do not replace any other eligibility requirements, nor does it create eligibility where it does not otherwise exist.

While ABAWD, Employment & Training, and Work Registration policies are related to each other, each are applied individually. Non-exempt FNS unit members between the ages of 18 and 49 continue to be subject to the FNS work requirements described in Section 240, regardless of whether or not they are exempt from the ABAWD FNS work requirement.

**245.01 Who is exempt from the ABAWD time-limit?**

An individual that meets at least one of the exemptions listed in this section is not subject to the ABAWD time-limit. If an individual is exempt for any part of the month, the individual is exempt for the entire month.

1. Under 18 or 50 years of age or over:
  - The ABAWD FNS work requirement begins the month after the 18th birthday.
  - For applicant households the ABAWD FNS work requirements for the 18<sup>th</sup> birthday are based on the member's age on the date of application.
  - The ABAWD FNS work requirement no longer applies beginning the first day of the month of the individual's 50th birthday.
2. Member of an FNS unit containing a member who is under age 18:
  - The individual is not required to be the parent of the child.
  - The individual is not required to be responsible for the child.
  - The child can be an ineligible member of the FNS household for any reason (such as but not limited to being an ineligible alien).
  - The child can be temporarily absent from the home (no longer than 30 days).
3. Pregnant
  - There is no minimum length of pregnancy to meet the exemption.
  - A medical statement verifying pregnancy will be necessary if the pregnancy is not obvious.
4. Exempt from FNS work requirements described in manual section 240.
  - Follow the policy in section 240 for verification requirements for this exemption.
  - FNS work requirements and ABAWD requirements are two separate policies that while related to each other also stand alone.
5. Unfit for employment (even if temporarily) for one of the following reasons:
  - a. Receiving public or private disability benefits such as:
    - Workers' compensation and other temporary disability benefits.
    - Medicaid based on disability.
    - Social Security or Veterans Benefits (regardless of VA disability percentage).

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- b. Obviously unfit for work based on worker's observation or judgment. If the medical condition is obvious, document in NC FAST.
  - c. Medically-certified as physically or mentally unfit for employment.
    - Confirm by a medical professional's statement if not obvious.
    - Accept a medical statement from a doctor, nurse, nurse practitioner, designated representative at a doctor's office, or other appropriate medical personnel.
  - d. Unfit for employment due to chronic homeless.
    - Homeless for this purpose includes living on the street, in a car, or in a homeless shelter.
    - Applicant statement is sufficient verification of homeless.
    - If the ABAWD attests that s/he is homeless because s/he may not have a place of her/his own, but is living in a home with someone else, this individual is not considered "homeless" for the purpose of exemption from ABAWD time limits since s/he has a place to stay.
  - e. Unfit for employment due alcohol or drug dependence addiction.
    - The ABAWD's involvement in alcohol / drug treatment is not required,
    - Accept written or verbal statement of a Medical Professional, Social Worker, Counselor, etc. that the ABAWD's alcohol / drug dependence negatively affects the individual's fitness for work.
    - Accept applicant's statement for those who are not in treatment, if no other sources are available.
6. The individual resides in a county under an ABAWD waiver.
7. Exempt a refugee who is subject to work requirements imposed by a Refugee Resettlement Program (RRP) such as the Indochinese Refugee Assistance Program (IRAP).

**Note: The "refugee" must be participating in employment services that is either by a local Department of Social Services or Refugee specific Services Providers that is approved, funded or operated by the Office of Refugee Resettlement (ORR) .**

## **245.02 Determining Countable Months**

### **A. 36 Month period.**

North Carolina uses a fixed clock to measure the 36 month period.

The current fixed clock period is January 1, 2016 through December 31, 2018.

The 36 month period runs continuously without a break, regardless of whether the individual receives FNS benefits and regardless of whether the county is under an ABAWD waiver for some or all of those months.

### **B. 3-month participation time limit**

ABAWDs are limited to receiving 3 countable months of FNS benefits during the 3 year period unless they qualify for a second 3 month period.

- The 3 month limit is cumulative.
- Only countable months can be used to meet the 3-month limit.
- Countable months are not required to be consecutive and can be used any time during the fixed 36 month period.

### **C. Overpayments**

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If a non-exempt ABAWD receives more than 3 countable months, explore referral for overpayment if the household fails to report or fails to report timely. Do not explore overpayments for non-countable months or months that the individual is exempt from ABAWD requirements.

It is possible for individuals to receive more than 3 countable months. An over issuance is not created under the following situations:

1. If a change is reported timely or discovered within the household's reporting timeframe that requires a Notice of Adverse Action and there is not sufficient time to decrease or terminate benefits prior to the next month.
2. If a non-reportable change is reported or discovered.
3. If the applicant was a resident of an ABAWD waiver county in the month of issuance.

#### **245.03 Countable & Non-Countable ABAWD Months**

##### **A. Countable ABAWD months.**

Each month of the ABAWD's participation must be evaluated individually. If the individual is exempt for one day or more she/he is exempt for the entire month.

Countable ABAWD month is any months that the individual:

1. Received a full month (not prorated) of FNS benefits; and
2. Was not exempt from ABAWD requirements.

##### **B. Non-countable ABAWD months.**

Any month in which the individual meets at least one of the following conditions is considered non-countable and does not count toward the ABAWDS 3-month limit.

- Prorated months.
- Any month in which the individual meets at least one of the following ABAWD Work Requirements:
  1. Working an average of 20 hours per week (80 hours in the month) Consider an ABAWD to have met the 80 hours per month rule when the hours worked are at least 80 hours. ABAWDs are required to report **changes by the 10<sup>th</sup> of the month following the month of change** when the number of hours working fall below 80 hours per month regardless of simplified reporting requirements.

Work can be:

- a. Paid employment regardless of earnings.
  - Request verification of income and hours worked.
  - Document the number of hours worked in NC FAST.
- b. Self-employment regardless of earnings.
  - Request the applicant's statement of hours worked per month if the individual is self-employed.
- c. Volunteer work (approved by the counties) a public or private organizations.
  - Accept volunteer work for any legitimate public/private nonprofit, churches or other religious groups, community organizations or governmental agency or community service ordered by a court.
  - Request written or verbal verification from the agency of the number of hours volunteered in that month.
- d. Work in exchange for goods or services (such as but not limited to, work in exchange for a place to live).

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- Request written or verbal verification of the number of hours worked in that month. Document in NC FAST.

e. Any combination of the above.

2. Good Cause

- If an ABAWD would have worked 80 hours in the month but missed some work for good cause, the individual shall be considered to have met the ABAWD work requirements if the absence from work is temporary and the individual retains his/her job.
- Good cause shall include circumstances beyond the individual's control, such as, but not limited to, illness of the individual, illness of another household affecting the individual's ability to work, a household emergency, or the unavailability of transportation.

3. Participating in and complying with the requirements of a work program for an average of 20 hours per week (80 hours per month) including:

- A program under the Workforce Innovation and Opportunity Act (WIOA);
- A program under Trade Adjustment Assistance Act Program (TAA);
- A program that includes qualifying ABAWD activities so long as job search and/or job search training is less than half hours required by of the program (See chart below).
- ABAWDs are not required to participate in a work program for longer than the 20 hours per week to fulfill the ABAWD work requirement. However, if the ABAWD has been referred to an E&T program in order to fulfill the ABAWD work requirement, the E&T program may require additional hours of participation.
- An ABAWDs total hours of required participation in E&T, together with any hours worked for compensation in cash or in-kind (including work experience) cannot exceed 120 hours per month. Participants may volunteer for additional hours of training.
- ABAWDs participating in a work program can combine job search and/or job search training (9 hours maximum) with other ABAWD qualifying activities to allow ABAWDs to meet the 20 hour weekly work requirement (See chart below).

4. Qualifying Work Program Activities:

Qualifying Component	Description	Hours required per week
<b>WIOA (WIA) programs</b>	The goal is to increase opportunities for employment, education, and training. Can include job search, occupational skills training, on-the-job training, job readiness training, adult education and literacy activities, etc.	20 hours
<b>A program under section 236 of the Trade Act of 1974 Trade Adjustment Assistance (TAA):</b>	Training programs for workers that have lost or may lose their jobs Provides aid to workers who have lost their jobs as a result of foreign trade.	20 hours
<b>E&amp;T education or training</b>	Aims to improve basic skills or employability and have a direct link to employment. Can include basic education,	20 hours, alone or combined with other activities

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	vocational or technical training, and on-the-job training. Job search activities must be less than half of required hours. Activities must be described in State SNAP E&T Plan.	
<b>E&amp;T work experience</b>	Designed to improve the employability of participant through actual work experience and/or training; placements can be with private, for-profit companies. Placements at public and private sector employers. Can include for-profit employers. Activities must be described in State SNAP E&T Plan.	20 hours, alone or combined with other activities. Mandatory unpaid work hours equal to the result obtained by dividing a household's SNAP allotment by the higher of the applicable Federal or State minimum wage.

Note: North Carolina currently has no counties operating in FNS Workfare program. Policy will be updated to reflect Workfare participation if any county initiates a FNS Workfare program in the future.

#### **245.04      Regaining ABAWD Eligibility**

A. ABAWDs can regain eligibility to participate in FNS if s/he:

1. Worked (paid and unpaid) 80 hours or more in a 30 day period; or
2. Participated in and complied with the requirements of a work program for 80 or more hours in a 30 day period; or
3. Any combination of work and participation in a work program for a total of 80 hours or participated in and complied with a workfare program in a 30 day period;
4. Becomes exempt from ABAWD FNS work requirements; or
5. The 36 month (3-year) period expires.

B. Bonus Months

ABAWDs who have regained eligibility and are not meeting the FNS work requirements outlined in 245.04 B 2 can gain an additional 3 consecutive months once during the 3 year period of eligibility. These months are known as Bonus months.

1. Bonus months:

- a. Apply only to ABAWDs who regained eligibility but are no longer fulfilling the FNS work requirement.
- b. Must be consecutive months.
- c. Only full months of benefits count toward the Bonus Months.

2. Bonus month start dates:

- a. If the individual was working, the consecutive 3 months must start when the participant reports that he or she is no longer in compliance with ABAWD FNS work requirements.
- b. If the individual was participating in a work program, the consecutive 3 months will start when it is determined the ABAWD is no longer in compliance.

C. An individual regaining eligibility shall have benefits calculated as follows:

1. For individuals regaining eligibility through eligibility for 3 bonus months, prorate benefits from the day the 30 days of work were completed or from the date of application (whichever comes last).

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2. For individuals regaining eligibility through a new 36 month period, beginning with the first month covered by the application in the new 36 month period.
3. For individuals regaining eligibility because currently exempt, beginning with the first month covered by the application in which an ABAWD exemption is met for at least part of the month.
4. For individuals regaining eligibility because now working, beginning with the first month covered by the application in which the individual is working.

## **245.05      Application / Reapplication / Recertification / Change**

### **A. Application**

1. At application the worker must:
  - a. Explain all ABAWD requirements to the household including:
    - Which household members are subject to the ABAWD requirements currently;
    - Which individuals are potential ABAWDs in the future even if the individual is exempt at the time of application;
    - The 36-month period fixed time clock;
    - The ABAWD's 3 countable months;
    - ABAWD exemptions;
    - ABAWD non-countable months;
    - Explain to the household that regardless of simplified reporting, the failure to report a change that effects their ABAWD status during the certification period (eg becoming exempt, starting work) will result in the termination of benefits for the ABAWD at the end of their 3 countable months.
  - b. Provide the household with the ABAWD explanation form.

### **B. Reapplications**

1. At reapplication the worker must:
  - a. Explore each previously countable ABAWD months to determine if the ABAWD met an exemption in one of the previous months.
    - Ask whether the applicant has completed the ABAWD work requirements within 30 consecutive days or more at any time since losing FNS eligibility, even if the applicant is not currently meeting the ABAWD work requirements.
    - Recode any previous months as exempt or non-exempt, as applicable.
  - b. Explain all ABAWD requirements to the household including:
    - Which individuals are currently subject to the ABAWD requirements;
    - Which individuals are potential ABAWDs even if the individual is exempt at the time of application;
    - The 36-month period fixed time clock;
    - The ABAWD's 3 countable months;
    - ABAWD exemptions;
    - ABAWD non-countable months; and
    - Explain to the household that that regardless of simplified reporting, the failure to report a change that effects their ABAWD status during the certification period (eg becoming exempt, starting work) while the clock is running will result in the termination of benefits for the ABAWD at the end of their 3 countable months.
  - c. Provide the household with the ABAWD explanation form.

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2. Special situations

- a. Pend a reapplication when an ABAWD has received FNS for the 3-month limit at the time of reapplication if the ABAWD claims physical or mental unfit for employment or another exemption.
  - Hold reapplication pending until the ABAWD or a collateral contact provides verification of the exemption, if needed.
  - If verification of the exemption is received within 30 days, approve the reapplication back to the original date of application even if the onset of the exemption is after the date of application but during the same calendar month.
  - The ABAWD is not eligible for emergency service unless the verification (if needed) is provided on the date of application.
- b. Pend a reapplication when an ABAWD has received FNS for the 3-month limit at the time of a reapplication and has not yet become exempt or compliant but has the potential to earn 80 hours within the 30-day processing period.
  - If the ABAWD earns 80 hours within the processing time frame, and all other eligibility requirements are met, approve the reapplication from the original date of application.
  - If the ABAWD does not earn 80 hours within the 30-day processing period, deny the application.

C. Recertification:

1. At recertification the worker must:

- a. Explore each previously countable ABAWD month during the prior certification period to determine whether the ABAWD met an exemption or complied with the work requirement in that month.
  - Re-evaluate exemptions for chronic homeless and alcohol / drug addiction to determine ongoing eligibility for exemption;
  - Recode any months as exempt or non-exempt, as applicable;
  - Recode any month in the prior certification period as exempt or in compliance, as applicable; and
  - Consider bonus month eligibility if the applicant completed the ABAWD work requirements for 30 consecutive days at any time since losing FNS eligibility, even if the applicant is not currently meeting or exempt from the ABAWD work requirements.
- b. Explain all ABAWD requirements to the household including:
  - Which individuals the ABAWD requirements;
  - Which individuals are potential ABAWDs even if the individual is exempt at the time of application;
  - The 36-month period fixed time clock;
  - The ABAWD's 3 countable months;
  - ABAWD exemptions;
  - ABAWD non-countable months; and
  - Explain to the household that regardless of simplified reporting, the failure to report a change in ABAWD status during the certification period (eg becoming exempt, starting work) while the clock is running will result in the termination of benefits for the ABAWD.
- c. Provide the household with the ABAWD explanation form if ABAWD status changes.



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D. Changes during certification period:

1. When a change affecting ABAWD eligibility is reported or discovered during the certification period the worker must:
  - Explore any previous countable ABAWD months during the certification period to determine if the ABAWD met an exemption or met the work requirement in one of the previous months.
  - Ask whether the applicant has completed the ABAWD work requirements within 30 consecutive days or more at any time since losing FNS eligibility, even if the applicant is not currently meeting the ABAWD work requirements.
  - Recode any previous months as exempt or non-exempt, as applicable.

**245.06 NC FAST Tracking ABAWD Eligibility**

NC FAST will track ABAWD eligibility for all ABAWDs within a FNS unit. NC FAST will also send all appropriate notices to the FNS households to terminate or reduce benefits when an individual has reached their 3-month time limit.

A. NC FAST decisions are based on the available evidence the worker must update all applicable evidences for each potentially countable month to ensure NC FAST has accurate information.

B. The system tracks the following information for each ABAWD member:

1. The 36 month period;
2. Non-compliant (free) months, 3-month limit (countable months);
3. Bonus months (3 additional months);
4. Months in which the ABAWD complies with the work requirements (compliant months);
5. Months in which the ABAWD fails to comply with the work requirements (non-compliant months);
6. Months county operates under a waiver;
7. Exemption status;
8. Good cause;
9. 18th birthday and 50th birthday; and
10. ABAWDs that move from another county or state.

Note: Document in NC FAST when the FNS unit member's ABAWD status changes when a change in situation occurs. If the ABAWD temporarily fails to meet the work requirement (with good cause), do not count as a non-compliant month.